

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resource
Honolulu, Hawaii 96813

September 9, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

REQUEST FOR BLNR APPROVAL TO ADD \$300,622 IN FY 12 FUNDING (\$111,829
SPECIAL FUNDS, \$188,793 FEDERAL FUNDS) TO A DLNR/RCUH PROJECT
AGREEMENT (CONTRACT NO. 52850, AMENDMENT NO. 9) FOR THE DIVISION OF
AQUATIC RESOURCES' AQUATIC INVASIVE SPECIES (AIS) PROJECT

Submitted herewith for your consideration is a request to amend a Project Agreement (Contract No. 52850) between Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) to add \$300,622 in FY12 funding to support the Division of Aquatic Resources (DAR) AIS project. Amendment No. 9 provides \$111,829 in FY12 Special Funds and \$188,793 in Federal Funds from the following sources:

- 1) At its August 18, 2011 meeting, the Hawaii Invasive Species Council (HISC) approved/authorized expenditure of \$207,531 in FY12 Special Funds for AIS work. Funding in the amount of \$111,829 will be used for Amendment No. 9. Funds are from LNR 402, Appropriation 314, Native Resources and Fire Protection Special Fund.
- 2) The National Oceanic and Atmospheric Administration (NOAA) awarded DLNR a \$285,724 grant from the NOAA Estuary Habitat Restoration Program, of which \$188,793 are included in Amendment No. 9 for habitat restoration activities in Kaneohe Bay.

Funding will allow DAR to continue its research activities that address the Hawaii Ocean Resources Management Plan (HORMP) and the State of Hawaii AIS Management Plan. The key objectives of the AIS project are to improve the prevention, management, and response system for invasive species, which are also objectives of Governor Neil Abercrombie's "A New Day in Hawaii" Comprehensive Plan. Research activities are geared to address topics in all plans and in particular the HORMP, which calls for organizing and training local action teams for monitoring and control of marine AIS. The additional funding will be for activities that focus on AIS in Kaneohe Bay and the continued development of early detection methodologies and bio-control. It is foreseen that valuable information will be obtained as the project continues to:

- 1) develop a capacity to utilize native sea urchins as bio-control agents for alien algae control;
- 2) review priorities for the control of pests already present or recently arrived in the state;
- 3) develop/implement a decision making protocol for targeting species for eradication and control efforts;

- 4) develop large-scale algae control techniques using mechanical and community based methodologies;
- 5) develop capacity to conduct effective rapid response;
- 6) conduct research on basic methods and protocols for early detection and monitoring of AIS focusing on Kaneohe Bay, Oahu;
- 7) identify/monitor AIS introductions and the effectiveness of bio-controls on AIS populations;
- 8) monitor activities to measure success criteria of project goals; and
- 9) implement improvements to capacity for detection, eradication and control, e.g., increased staffing, training and infrastructure to respond to AIS.

Ultimately, mechanical removal and urchin biocontrol will reduce algal cover, increase coral cover, and allow an increase in fish biomass over a one to five year period. Overall project goals and success criteria are to:

- Reduce algal distribution (< 5 acres over the targeted five patch reefs)
- Reduce algal cover (< 2% total cover on each patch reef)
- Increase coral cover (10% increase in the first year and 3% each year after)
- Increase fish biomass (increase biomass by 25% of baseline)
- Maintain native sea urchin, *Tripneustes gratilla* density (>1 urchin per m²)
- Implement cost effective eradication and control programs against incipient and established pests.

The Department has determined that the actions undertaken by this ongoing project will have little or no significant effect on the environment and are exempt from the preparation of an environmental assessment. On the contrary, significant disturbance and negative impacts are expected to occur if the Department does not conduct this mitigation activity.

A request for Governor's approval has been submitted to the Department of Budget and Finance for their review and approval. Due to the uncertainty of the State's fiscal situation, we are aware that all approvals are dependent upon availability of funds and that funding restrictions may occur at any time.

RECOMMENDATION:

Based on the Department exemption determination (attached), and after consultation with and advice of those having jurisdiction and expertise for the proposed actions under the contract, the Board DECLARES, FINDS, and DECIDES:

1. That the actions which are anticipated to be undertaken under this contract will have little or no significant effect on the environment and are therefore exempt from the preparation of an environmental assessment;
2. To delegate and authorize the Chairperson to sign the declaration of exemption on behalf of the Board, for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR; and

3. To authorize the Chairperson to negotiate and, subject to necessary approvals, amend the Aquatic Invasive Species Project Agreement, Contract No. 52850, between DLNR and the RCUH.

Concur:



PAUL CONRY, Administrator
Division of Forestry and Wildlife

Respectfully submitted,



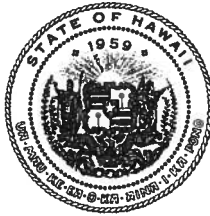
ROBERT NISHIMOTO, Program Manager
Division of Aquatic Resources

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

August 24, 2011

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson *WJ Aila*

FROM: Robert Nishimoto, Environmental Program Manager
Division of Aquatic Resources *RN*

SUBJECT: Declaration of Exemption from the Preparation of an Environmental Assessment under the Authority of Chapter 343, HRS, and Chapter 11-200, HAR, for Amendment 9 of a contract agreement between the Department and the Research Corporation of the University of Hawaii

The following activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title: Amendment 9 of a contract agreement between the Department and the Research Corporation of the University of Hawaii (RCUH) adds additional Special and Federal funding for on-going aquatic invasive species activities.

Contract Number: 52859; RCUH Project No. 004381

Project Description: The additional contract funding will allow the aquatic invasive species (AIS) project to continue habitat restoration activities in Kaneohe Bay through June 30, 2012. The goal of the project is to control or eliminate AIS, considered one of the most significant threats to Hawaii's coral reefs.

The AIS project would continue to update maps to be used to determine the spread of AIS in Kaneohe Bay, Oahu; produce a large quantity of cultured sea urchins in order to test different out-planting strategies; and improve strategies for implementing mechanical control of AIS.

Consulted Parties: Celia Smith, UH Botany. Matt Parry, NOAA.

Exemption Determination: After reviewing §11-200-8, HAR, including the criteria used to determine significance under §11-200-12, HAR, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit have been evaluated as a single action. Since this permit involves an activity that is precedent to a later planned activity, i.e., the same study methodology used throughout the contract period, the categorical exemption determination here will treat all planned activities as a single action under §11-200-7, HAR.

2. The Exemption Class #1 for Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features involving negligible or no expansion or change of use beyond that previously existing appears to apply. §11-200-8(a)(1), HAR, exempts the class of actions which involve "...repairs ... [of] topographical features, involving negligible or no expansion or change of use beyond that previously existing;" §11-200-8(a)(4), HAR, also exempts "Minor alterations in the conditions of land, water, or vegetation." These exemption classes have been interpreted to include the mitigation and restoration of the damaged submerged lands that are negatively impacted by alien invasive species, including seaweeds, such as those being proposed.

The proposed activities here (removal of alien seaweeds) to repair the habitat to a pre-existing condition, along with removal of threats to adjacent un-damaged habitat, appear to fall squarely under the exemption class identified under §11-200-8(a)(1) and §11-200-8(a)(4), HAR. As discussed below, no significant disturbance to any environmental resource is anticipated because of the removal of alien aquatic species. On the contrary, significant disturbance and negative impact is expected to occur if the Department does not conduct these prevention, mitigation, and restoration activities. Thus, so long as the below considerations are met, these exemption classes should include the actions now contemplated.

The Exemption Class #5 for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. §11-200-8(a)(5), HAR, exempts the class of actions that involve "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource." This exemption class has been interpreted to include the study of aquatic invasive species to determine best practices for their control and mitigation, such as those being proposed.

The proposed activities here appear to fall squarely under the exemption class identified under §11-200-8(a)(5), HAR, and as described under the Fish & Game 1976 exemption list class #5, item #5. As discussed below, no significant disturbance to any environmental resource is anticipated. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if "the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment." §11-200-8(b), HAR. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. §11-200-12, HAR.

Significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that any potentially sensitive environment within the project area will not be significantly affected. All activities will be conducted in a manner that does not diminish marine resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects.

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts will Probably have a Minimal or No Significant Effect on the Environment.

Any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all research activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.

William J. Aila, Jr. Chairperson,
Board of Land and Natural Resources

Date